

Amendment No. 1 to HB1547

Brooks H  
Signature of Sponsor

**AMEND Senate Bill No. 1793**

**House Bill No. 1547\***

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Religious Viewpoints Antidiscrimination Act".

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding the following as a new part 18 thereto:

49-6-1801. As used in this part, "limited public forum" means public property that the LEA provides for students as a place for expressive activity which may impose reasonable, content-neutral time, place and manner restrictions on certain groups or topics of speech; provided, that the restriction is necessary and narrowly tailored to serve a compelling state interest.

49-6-1802.

(a) An LEA shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner in which the LEA treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint, if any, expressed by the student on an otherwise permissible subject.

(b) The provisions of this act shall comply with § 4-1-407, § 49-6-2904, any applicable state or federal laws, the Constitution of Tennessee and the United States Constitution. It is the intent of this act to allow LEAs to develop policies that ensure an LEA shall not discriminate against a student's voluntary expression of a faith based viewpoint, if any.

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49-6-1803.

(a) An LEA shall not be required to provide a limited public forum pursuant to this act. If the LEA determines that it is appropriate to allow a student speaker at a school event, then the provisions of this act shall apply.

(b) To ensure that an LEA does not discriminate against a student's publicly stated voluntary expression of a religious viewpoint, if any, and to eliminate any actual or perceived affirmative school sponsorship or attribution to the LEA of a student's expression of a religious viewpoint, if any, an LEA shall adopt a policy, such as the model policy for student expression as created by the Tennessee School Boards Association, or the LEA may develop a policy that is in compliance with this act. The policy shall include the establishment of a limited public forum for student speakers at school events at which a student is to publicly speak. The policy regarding the limited public forum shall also require the LEA to:

(1) Provide the forum in a manner that does not discriminate against a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject;

(2) Provide a method, based on neutral criteria, for the selection of student speakers at school events and graduation ceremonies;

(3) Ensure that a student speaker does not engage in speech that is obscene, vulgar, offensively lewd, indecent or promotes illegal drug use; and

(4) State, in writing, orally, or both, that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the LEA.

(c) The LEA disclaimer required by subdivision (b)(4) shall be provided at all applicable circumstances at school events. The LEA shall also provide the disclaimer for any communications in which a student makes a public expression, for as long as a need exists to dispel confusion over the LEA's nonsponsorship of the student's communications.

(d) Student expression on an otherwise permissible subject may not be excluded from the limited public forum because the subject is expressed from a religious viewpoint.

49-6-1804. Students may express their written beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of the student's submissions. Homework and classroom assignments shall be judged by ordinary academic standards of substance and relevance and against other legitimate academic concerns identified by the LEA. Students may not be penalized or rewarded based on the religious content of the student's work.

49-6-1805. Students may organize religious student groups, religious clubs, "see you at the pole" gatherings, or other religious gatherings before, during, and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. Religious groups shall be given the same access to school facilities for assembling as is given to other noncurricular groups without discrimination based on the religious content of the students' expression. If student groups that meet for nonreligious activities are permitted to advertise or announce meetings of their groups, then the LEA may not discriminate against groups that meet for prayer or other religious speech. An LEA may disclaim school sponsorship of noncurricular groups and events in a manner that neither favors nor disfavors groups that meet to engage in expressions of faith or religious speech.

SECTION 3. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply beginning in the 2014-2015 school year and each school year thereafter.